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DOCUMENTS

The following letters show the uncertainty existing as to the Territorial Government's rights over certain lands occupied by Indians with whom no treaties had been made. The dates are less than five years after the close of the Indian wars throughout the Territory and no doubt there was still need of much caution. The letters are among the manuscripts rescued from the garret of the old Territorial Capitol.

Letter From Captain Maloney

Fort Chehalis, Grays Harbor, W. T., February 21, 1861.

Gov. McGill

Sir:

I have the honor to request to know If commissioners have a right to grant Lesince to sell liquors in this part of the Territory, it being still Indian country. The Gov says so in his message My reason for asking the Gov. There are some white men here who are constantly introducing Liquor and sell it to the Indians but are very careful of being caught I am endeavoring to put a stop to it and have pretty much done it There is one man here of the name of Williams who is going to Olympia to obtain a Lesince and if granted it will Defy the Military Commander of doing his duty in putting a stop to this Traffic. it should never be allowed to be sold in this part of the country and until the Indian titles to their Lands are relinquished. Will the Gov give me his views on the Subject.

I am Sir Resptfully

Your obedient svnt

M. MALONEY

Capt 4 Infy

Comy. Fort

Reply From Acting Governor McGill

Territory of Washington

Executive Office

Olympia, March 2, 1861.

Sir:

I have to acknowledge the receipt of your communication of the 21st. ulto. requiring my opinion as to the right of the County Commissioners to grant licenses for the sale of spirituous liquors in that part of the Territory west of the Cascade Mountains, in which the Indian title has not yet been extinguished.

Although no provision has yet been made for the extinguishment of the Indian title to the lands occupied by the Cowlitz, Chehalis, Grays Harbor, Shoalwater Bay and Chenook Indians, yet by the Organic act, and the laws of Congress regulating the sale and disposition of the public lands, this country has been opened up to settlement, and the citizens residing therein are entitled to all the privileges accorded to those of any other portion of the Territory. I do not therefore consider this country as Indian country, within the meaning of the 20th. Section of the act of 1834.

While therefore I am of opinion that the proper county authorities can legally issue licenses for the sale of liquors in that portion of the Territory over which the Indian title still exists, yet great care should be exercised in granting this privilege. The preservation of peace among the Indians, and the safety of the citizens demand that before the issue of a license, the Commissioners should be satisfied beyond a doubt that the character of the party applying for such license is such that he will not directly or indirectly sell or dispose of liquor to Indians under any circumstances or to Soldiers without the written permission of their commanding officer.

Upon a departure from this course it will then be lawful for any person in the service of the United States to take and destroy any ardent spirits found in the country over which the Indian title still exists, and to institute legal proceedings against the vendors of such liquors

Should you deem it proper, I will, upon being so advised address the County Commissioners upon this subject.

I have the honor to be Captain

Very respectfully

Your Obt. Servant

HENRY M. MCGILL

Acting Governor

Captain M. Maloney
4th Infantry U. S. Army
Commanding
Fort Chehalis
Grays Harbor
W. T.